

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

H.614

Introduced by Representatives Shaw of Pittsford, Carr of Brandon, Chesnut-Tangerman of Middletown Springs, Cupoli of Rutland City, Fagan of Rutland City, Harrison of Chittenden, Helm of Fair Haven, Howard of Rutland City, Mattos of Milton, Potter of Clarendon, and Turner of Milton

Referred to Committee on

Date:

Subject: Public safety; fireworks

Statement of purpose of bill as introduced: This bill proposes to require that a purchaser of fireworks present his or her permit for fireworks use to the seller at the time of the sale, and prohibits the use of fireworks after 10:00 p.m.

An act relating to the sale and use of fireworks

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1. 20 V.S.A. § 3132 is amended to read:~~

~~§ 3132. PROHIBITIONS; PERMITS~~

~~(a) Except as provided in this section, it shall be unlawful for any person, firm, co-partnership, or corporation to do any of the following:~~

~~(1) offer offer for sale, expose for sale, sell at retail or wholesale, or~~

1 ~~possess fireworks unless the person has been issued a permit by both the U.S.~~
2 Bureau of Alcohol, Tobacco, and Firearms and the municipality in which the
3 person offers for sale and stores the fireworks;

4 (2) ~~Use~~ use, possess, or explode any fireworks unless the person has
5 been issued a permit to display fireworks pursuant to subsection (c) of this
6 section; or purchase fireworks unless at the time of sale the purchaser presents
7 to the seller for inspection a permit to display fireworks issued pursuant to
8 subsection (c) of this section;

9 (3) ~~Transport fireworks except in interstate commerce.~~ [Repealed.]

10 (4) ~~Offer~~ offer for sale or sell ~~hand-held~~ handheld sparklers as described
11 in subdivision 3131(1) of this title to a minor;

12 (5) ~~Offer~~ offer for sale or sell sparklers that are not in compliance with
13 ~~the United States~~ U.S. Consumer Product Safety Commission regulations; or

14 (6) ~~Purchase~~ purchase fireworks.

15 (b) The ~~state fire marshal~~ State Fire Marshal shall have power to adopt
16 reasonable rules ~~and regulations~~ for granting permits for supervised public
17 displays of fireworks by municipalities, fair associations, amusement parks,
18 and other organizations or groups of individuals.

19 (c) Any display for which a permit is issued shall be handled by a
20 competent operator to be approved by the chiefs of police and fire departments
21 ~~of the municipality in which the display is to be held and shall be of a~~

1 ~~character, and so located, discharged, or fired as, in the opinion of the chief of~~
2 the fire department, or in a municipality with no fire department, the
3 selectboard, after proper inspection, shall not be hazardous to property or
4 endanger any person or persons.

5 (d) Application for permits shall be made to the chief of the fire
6 department, or in municipalities with no fire department, the selectboard, in
7 writing, at least 15 days in advance of the date of the display. After the permit
8 has been granted, sales, possessions, use, and distribution of fireworks for the
9 display shall be lawful for that purpose only. No permit granted under this
10 section shall be transferable.

11 (e)(1) No person shall explode fireworks after 10:00 p.m.

12 (2) A person who violates subdivision (1) of this subsection shall be
13 assessed a civil penalty of not more than \$200,00.

14 (3) Subdivision (1) of this subsection shall not apply:

15 (A) on the following dates: July 3, July 4, December 31, and
16 January 1; or

17 (B) to uses permitted by section 3133 of this title.

18 Sec. 2. 4 V.S.A. § 1102 is amended to read:

19 § 1102. JUDICIAL BUREAU; JURISDICTION

20 * * *

21 (b) The Judicial Bureau shall have jurisdiction of the following matters.

1 ~~(28) Violations of 20 V.S.A. § 3132(e) relating to the explosion of~~
2 ~~fireworks after 10:00 p.m.~~

3 Sec. 3. EFFECTIVE DATE

4 ~~This act shall take effect on passage.~~

Sec. 1. 20 V.S.A. § 3132 is amended to read:

§ 3132. PROHIBITIONS; PERMITS

(a) Except as provided in this section, it shall be unlawful for any person, firm, co-partnership, or corporation to do any of the following:

(1) ~~Offer~~ offer for sale, expose for sale, sell at retail or wholesale, or possess fireworks unless the person has been issued a permit by both the U.S. Bureau of Alcohol, Tobacco, and Firearms and the municipality in which the person offers for sale and stores the fireworks;

(2) ~~Use, possess, use~~ or explode any fireworks unless the person has been issued a permit to display fireworks pursuant to subsection (c) of this section;

(3) ~~Transport fireworks except in interstate commerce. [Repealed.]~~

(4) ~~Offer~~ offer for sale or sell ~~hand-held~~ handheld sparklers as described in subdivision 3131(1) of this title to a minor;

(5) ~~Offer~~ offer for sale or sell sparklers that are not in compliance with the United States U.S. Consumer Product Safety Commission regulations.

(b) ~~The state fire marshal~~ State Fire Marshal shall have power to adopt reasonable rules ~~and regulations~~ for granting permits for supervised public

displays of fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals.

(c) Any display for which a permit is issued shall be handled by a competent operator to be approved by the chiefs of police and fire departments of the municipality in which the display is to be held and shall be of a character, and so located, discharged, or fired as, in the opinion of the chief of the fire department, or in a municipality with no fire department, the selectboard, after proper inspection, shall not be hazardous to property or endanger any person or persons.

(d) Application for permits shall be made to the chief of the fire department, or in municipalities with no fire department, the selectboard, in writing, at least 15 days in advance of the date of the display. After the permit has been granted, sales, ~~possessions~~, use, and distribution of fireworks for the display shall be lawful for that purpose only. No permit granted under this section shall be transferable.

(e) A person who sells fireworks at retail shall provide to the purchaser at the time of sale information regarding:

(1) the requirement that a permit must be obtained for the use or explosion of fireworks; and

(2) the purchaser's obligation to comply with any municipal ordinance regulating use of fireworks.

(f)(1) No person shall explode fireworks ~~after 10:00 p.m.~~ between the hours of 10:00 p.m. and 7:00 a.m.

(2) A person who violates subdivision (1) of this subsection shall be assessed a civil penalty of not more than \$200.00.

(3) Subdivision (1) of this subsection shall not apply:

(A) on the following dates: July 3, July 4, December 31, and January 1;

(B) to uses permitted by section 3133 of this title; or

(C) if the use is permitted by a municipal ordinance.

Sec. 2. 4 V.S.A. § 1102 is amended to read:

§ 1102. JUDICIAL BUREAU; JURISDICTION

* * *

(b) The Judicial Bureau shall have jurisdiction of the following matters:

* * *

(28) Violations of 20 V.S.A. § 3132(f), relating to the explosion of fireworks ~~after 10:00 p.m.~~ between the hours of 10:00 p.m. and 7:00 a.m.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.